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**MARTIN & FERRARO, LLP**

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**FACSIMILE TRANSMITTAL**

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**TO:**Name: Mail Stop RCE  
Group Art Unit 3774  
Examiner Paul B. Prebilic

Firm: U.S. Patent &amp; Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 09/593,591

Gary K. Michelson

Filed: June 13, 2000

MANUFACTURED MAJOR LONG BONE RING

IMPLANT SHAPED TO CONFORM TO A

PREPARED INTERVERTEBRAL

IMPLANTATION SPACE

Attorney Docket No. 101.0078-00000

Customer No. 22882

Confirmation No.: 5619

**FROM:**

Name: Amedeo F. Ferraro, Esq.

Phone No.: 310-286-9800

No. of Pages (including this): 50

Date: March 16, 2010

Confirmation Copy to Follow: NO

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**Message:****CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate: \$810 total amount to cover the \$810 RCE fee is to be charged to Deposit Account 50-3726), Request for Continued Examination Transmittal (RCE), Amendment, Information Disclosure Statement Under 37 C.F.R. § 1.97(b), and PTO/SB/08 form are being facsimile transmitted to the U.S. Patent and Trademark Office on March 16, 2010.

  
Christine Flores

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FORM PTO-1083

Attorney Docket No.: 101.0078-00000

Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

Gary K. Michelson

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IMPLANTATION SPACE

Confirmation No.: 5619

Art Unit: 3774

Examiner: Paul B. Prebilio

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an Amendment to the Office Action dated December 16, 2009 in the above-identified application.

- ☐ No additional fee is required.
- ☐ Applicant hereby requests a \*\*\*-month extension of time to respond to the above office action.
- ☐ A Terminal Disclaimer is enclosed.
- ☒ An Information Disclosure Statement Under 37 C.F.R. § 1.97(b) with Form PTO/SB/08 is enclosed.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE		ADD'L FEE DUE
TOTAL CLAIMS FEE	256	-	264	**	00	LG=\$52 SM=\$26	\$52 \$ 0
INDEPENDENT CLAIMS FEE	9	-	9	***		LG=\$220 SM=\$110	\$220 \$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$390 SMALL ENTITY FEE = \$195		\$ 0
TOTAL							\$ 0

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☒ The total amount of \$810.00 to cover the RCE fee is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. **A copy of this sheet is enclosed.**
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,

MARTIN &amp; FERRARO, LLP

Date: March 16, 2010

By: 

Amedeo F. Ferraro

Registration No. 37,129

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
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Facsimile: (310) 286-2795

Transmittal of Amendment 3-16-10

FORM PTO-1083

Attorney Docket No.: 101.0078-00000

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